

SENATE BILL REPORT

ESSB 5171

As Passed Senate, March 4, 2005

Title: An act relating to enhancing school safety through information sharing between schools and juvenile justice and care agencies.

Brief Description: Enhancing school safety through information sharing between schools and juvenile justice and care agencies.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Rockefeller, Rasmussen, Shin, Schoesler, Delvin and McAuliffe).

Brief History:

Committee Activity: Human Services & Corrections: 1/25/05, 2/14/05 [DPS].

Passed Senate: 3/4/05, 47-1.

SENATE COMMITTEE ON HUMAN SERVICES & CORRECTIONS

Majority Report: That Substitute Senate Bill No. 5171 be substituted therefor, and the substitute bill do pass.

Signed by Senators Hargrove, Chair; Regala, Vice Chair; Stevens, Ranking Minority Member; Brandland, Carrell and Thibaudeau.

Staff: Kiki Keizer (786-7430)

Background: The law requires teachers, counselors, school administrators, child care facility personnel, and school nurses to report suspected child abuse and neglect to law enforcement officials or to the Department of Social and Health Services.

In 2002, the legislature passed a law, requiring each school district board of directors to adopt a policy, by September 1, 2003, setting out procedures for providing notice to students or school employees who are targets of violent or harmful threats. The law requires the schools' policies to include procedures for disclosing information about a student's conduct and criminal history to teachers, school staff, and school security, as appropriate. The policies must include procedures for determining the types of threats and conduct that would be grounds for suspension or expulsion of the student.

Summary of Bill: Principals of schools and principals' designees must report incidents that give them reasonable cause to believe that a person has committed a drug offense or a crime against a person causing severe injury on school grounds or at an event sponsored by the school. Severe injury includes any single act that causes physical trauma of sufficient severity that, if left untreated, could cause death; any sex offense; any single act that causes significant bleeding that, if left untreated, could cause death or serious physical impairment or loss of function; or more than one act, each of which causes significant bleeding that, if left untreated, could cause death or serious physical impairment or loss of function, bone fracture, or unconsciousness.

Principals and their designees who violate the act may be subject to orders by the superintendent of public instruction, up to and including reprimand, suspension, or revocation of certification.

Principals and their designees who knowingly fail to report may be guilty of obstructing a law enforcement officer or rendering criminal assistance.

Principals and their designees who comply with statute in good faith and without gross negligence are immune from civil liability.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For the Original Bill: School administrators should have a duty to report serious crimes on school grounds or at school events. Police should be called in when a serious crime may have been committed because they have the experience and training to determine if probable cause exists in a particular case. Good schools are already reporting serious incidents. Better reporting in other cases could reduce potential civil liability.

Testimony Against the Original Bill: The bill is unnecessary because school employees are already required, by law, regulation, and policy, to report improprieties. Failure to recognize and report activities that might be harmful to others could result in losing certification and employment. Over-referring matters to law enforcement could harm children or school employees.

Who Testified: PRO: Senator Carrell, prime sponsor. OTHER: Lorraine Wilson, Tacoma Public Schools.

CON: Jennifer Shaw, ACLU of WA; Lucinda Young, WEA; David Westerberg, Stationary Engineers; Pamela Crone, WA Defenders Assn.